

JKW



Docket No.: 251193US40DIV



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/809,700
Applicants: Kyle W. HUKARI, et al.
Filing Date: March 26, 2004
For: PROTECTIVE LAYERS FOR OPTICAL COATINGS
Group Art Unit: 2872
Examiner: BRET, C.

SIR:

Attached hereto for filing are the following papers:
Submission of International Preliminary Examination Report; International Preliminary Examination Report; Copy of initialed PTO-1449 from parent 10/054,973

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Corwin P. Umbach, Ph.D.
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DOCKET NO: 251193US40DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT APPLICATION OF

KYLE W. HUKARI, ET AL.

SERIAL NO: 10/809,700

FILED: MARCH 26, 2004

FOR: PROTECTIVE LAYERS FOR
OPTICAL COATINGS

:

: EXAMINER: BRET, C.

:

: GROUP ART UNIT: 2872

:

SUBMISSION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

Attached is the International Preliminary Examination Report (IPER) in International Application No. PCT/US03/00046, which claims priority from the U.S. Application No. 10/054,973 parent of the above-identified application. The IPER cites U.S. Patent Nos. 5,190,807 ("Kimock") and 5,846,649 ("Knapp"). The Examiner in the parent of the above-identified application initialed consideration of Kimock and Knapp on the attached Form PTO-1449.

Respectfully submitted,

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PATENT COOPERATION TREATY

RECEIVED
OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.

DOCKETING DEPT.

Initials/Date Docketed: *U. J. G. J.*

Type of Resp(s): _____

Due Date(s): _____

PCT

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
RICHARD D. KELLY
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT,
P.C.
CRYSTAL SQUARE FIVE, FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

08 JUL 2004

Applicant's or agent's file reference

216645WO *40*

IMPORTANT NOTIFICATION

International application No.

PCT/US03/00046

International filing date (day/month/year)

27 January 2003 (27.01.2003)

Priority date (day/month/year)

25 January 2002 (25.01.2002)

Applicant

AFG INDUSTRIES

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703)305-3230

Authorized officer

Archene Turner

Telephone No. 571-272-1700

Jean Proctor
Paralegal Specialist

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 216645WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/00046	International filing date (day/month/year) 27 January 2003 (27.01.2003)	Priority date (day/month/year) 25 January 2002 (25.01.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): C03C 17/00, 25/02; B05D 1/36, 3/02, 5/06, 7/00; B32B 17/06 and US Cl.: 65/60.2, 60.5, 60.6, 60.8; 428/408, 432, 698, 699, 701, 702; 427/164, 165, 166, 372.2, 419.1, 419.7		
Applicant AFG INDUSTRIES		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>0</u> sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 12 August 2003 (12.08.2003)	Date of completion of this report 27 June 2004 (27.06.2004)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer Archene Turner Telephone No. 571-272-1700 Jean Proctor Paralegal Specialist	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US03/00046

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed.

☒ the description:

pages 1-15 as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.

☒ the claims:

pages 16-21, as originally filed

pages NONE, as amended (together with any statement) under Article 19

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.

☒ the drawings:

pages 6, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.

☐ the sequence listing part of the description:

pages NONE, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

☒ the description, pages none

☒ the claims, Nos. none

☒ the drawings, sheets/fig none

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/00046

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>1-21</u>	YES
	Claims <u>22-40</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-40</u>	NO
Industrial Applicability (IA)	Claims <u>1-40</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 22-40 lack novelty under PCT Article 33(2) as being anticipated by Kimock et al (5,190,807) or Knapp et al (5,846,649).

Kimock et al or Knapp et al disclose the claimed transparent article having the claimed optical coating thereon (for Kimock et al see column 6, line 49 & column 8, lines 21-27; and for Knapp et al see column 1, lines 61-67, column 2, lines 12,20,21,26 and column 4, lines 9-12).

Claims 1-21 lack an inventive step under PCT Article 33(3) as being obvious over Kimock et al or Knapp et al (as above).

Kimock et al or Knapp et al discloses the invention substantially as claimed except for the claimed method. It would have been obvious to one of ordinary skill in the art to deposit the claimed layers by the claimed method as these techniques are known in the optical art to provide improved performance.

Claims 1-40 the criteria set out in PCT Article 33(4), because the subject matter claimed can be made or used in industry as a window.

----- NEW CITATIONS -----

MAY 23 2003

MAY 28 2003

SHEET 1 OF 1

Form PTO 1445
(Modified)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

TC 1700

SERIAL NO.

10/054,973

216645US40

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

Kyle W. HUKARI, et al.

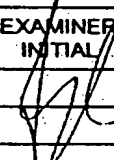
FILING DATE

January 25, 2002

GROUP

1762

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,190,807	03/02/93	F. M. KIMOCK, et al.			
	AB	5,846,649	12/08/98	B. J. KNAPP, et al.			
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AO					
	AP					
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	
	AX	
	AY	
	AZ	

☐ Additional References sheet(s) attached

Examiner

Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.